

REMARKS

Claims 18-37 are currently pending in the subject application and are presently under consideration. Claims 18, 22, 25-29 and 37 have been amended as shown on pg. 2-5 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection to Drawings

The drawings are objected to under 37 CFR 1.83(a) because not all features recited in claims 22, 25-27 were shown in the drawings. Claims 22 and 25-27 have been amended to address minor informalities noted by the Examiner. Hence, this objection should be withdrawn.

II. Rejection of Claim 22 Under 35 U.S.C. §112

Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. As noted *supra*, claim 22 has been amended to further emphasize certain aspects of the invention as claimed. Accordingly, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 18-21, 23, 24 and 29-37 Under 35 U.S.C. §103(a)

Claims 18-21, 23, 24 and 29-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Browning (US 6,707,581 B1) in view of Manchester (US 2004/0201595 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Browning and Manchester, individually or in combination, do not teach or suggest all the claim aspects of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to

make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The subject invention relates to systems and methods for facilitating data capture and/or display of data to users. (See Abstract). In particular, a mobile scanning terminal system is provided that can facilitate image capture for analysis. Additionally, the mobile scanning terminal system provides for image capture corresponding to the inversion and/or rotation of a display. (See Specification pg. 10, ln. 31 and pg. 11, ln. 1-11). To this end, amended independent claim 18 (and similarly amended independent claims 29 and 37) recites *an image capture component that captures optical signals related to a product, the capture corresponds to inversion or rotation of the system*. Browning and Manchester, alone or in combination, fail to teach or suggest such claimed aspects.

Browning relates to a handheld PDA or the like that scans text or a barcode and converts the scanned image into alphanumeric text or other computer-readable information. An information retrieval agent then searches for relevant information on the Internet or other network. (See col. 2, ln. 38-49). However, as acknowledged by the Examiner, Browning fails to teach or suggest orienting images on a display. (See Office Action dated March 1, 2007, pg. 5). Moreover, Browning is silent with regard to *an image capture component that captures optical signals related to a product, the capture corresponds to inversion or rotation of the system*.

Manchester fails to make up for the aforementioned deficiencies of Browning. Manchester relates to a method for orienting a display image includes sensing at least one characteristic of an object and determining the orientation of the object from at least one of the sensed characteristics. (See paragraph 5). However, nowhere in Manchester does it teach or suggest *an image capture component that captures optical signals related to a product, let alone the capture corresponds to inversion or rotation of the system* as recited in the subject claims.

The claimed subject as recited in the subject claims can provide for image capturing, thereby enabling image analysis. Additionally, the image capture can correspond to the inversion and/or rotation of the system. For example, a user A can capture an image B while the mobile scanning terminal is upside down. The image capture can correspond to the inversion and/or rotation of the system. Thus, if user A sends the captured image B to another entity, the

image B will be seen as right-side up, regardless of the orientation of the mobile scanning terminal when image B was captured. (*See* Specification pg. 11, ll. 5-11). Manchester fails to teach or suggest such aspect as claimed.

In view of at least the foregoing, it is readily apparent that Browning and Manchester, alone or in combination, do not teach or suggest the subject invention as recited in independent claims 18, 29 and 37 (and associated dependent claims). Accordingly, this rejection should be withdrawn.

IV. Rejection of Claim 22 Under 35 U.S.C. §103(a)

Claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Manchester, and further in view of Wilz *et al.* (US 6,283,375 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Browning, Manchester and Wilz *et al.*, individually or in combination, do not teach or suggest all the claim limitations set forth in the subject claims. In particular, Wilz *et al.* does not make up for the aforementioned deficiencies of Browning and Manchester with respect to independent claim 18 (which claim 22 depends from). Therefore, the subject invention as recited in claim 22 is not obvious over the combination of Browning, Manchester and Wilz *et al.* Thus, it is respectfully requested that this rejection be withdrawn.

V. Rejection of Claim 25 Under 35 U.S.C. §103(a)

Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Manchester, and further in view of Melaku *et al.* (US 2003/0144793 A1). It is submitted that this rejection should be withdrawn for at least the following reasons. Browning, Manchester and Melaku *et al.*, individually or in combination, do not teach or suggest all the claim aspects set forth in the subject claims. In particular, Melaku *et al.* does not make up for the aforementioned deficiencies of Browning and Manchester with respect to independent claim 18 (from which claim 25 depends). Accordingly, claim 25 is allowable for at least the same reasons discussed *supra*. Hence, this rejection should be withdrawn.

VI. Rejection of Claims 26-28 Under 35 U.S.C. §103(a)

Claims 26-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Manchester, and further in view of Cardno (US 2004/0036712 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Browning, Manchester and Cardno, individually or in combination, do not teach or suggest each and every element set forth in the subject claim. In particular, Cardno does not make up for the aforementioned deficiencies of Browning and Manchester with respect to independent claim 18 (which claims 26-28 depend from). Therefore, the subject invention as recited in claims 26-28 is not obvious over the combination of Browning, Manchester and Cardno. Thus, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP165USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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